

REMARKS

Claims 1, 2, 4, 5 and 7-16 are pending in this application. By this Amendment, claims 1, 11, 15 and 16 are amended. The amendments introduce no new matter because they are supported by at least the specification at page 6, lines 31-36, and page 7, lines 7-10, and the claims as originally filed. Claims 3 and 6 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, in paragraph 3, rejects claim 11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,729,948 to Levy et al. (hereinafter "Levy"). This rejection is respectfully traversed.

Levy teaches an apparatus and method for rigidly joining construction elements to one another based on providing construction elements each having a connecting bore formed therethrough, positioning the elements by aligning the connecting bores of adjacent elements, and partially expandable locking means dimensioned to extend through the aligned connecting bores of at least two construction elements and one positioning element (Abstract). The Office Action, with reference to, for example, Fig. 2, alleges that Levy teaches all of the features recited in claim 11.

Claim 11 recites, among other features, each fixing tab being configured in such a manner that, when it is inserted in the corresponding slot of the tubular element, the fixing element can pivot relative to the tubular element, between a first position in which the fixing element is angularly spaced apart from the panel, and a second position in which the fixing element bears against the panel, and each fixing tab having a bearing surface suitable for bearing against one side wall of the tubular element, in such a manner that the fixing tab can engage in the slot only in the first position, and that the fixing element is locked against the tubular element in the second position. Levy neither teaches, nor can it reasonably be

considered to have suggested, at least this combination of features, as positively recited in claim 11. Accordingly, reconsideration and withdrawal of the rejection of claim 11 under 35 U.S.C. §102(b) as being anticipated by Levy are respectfully requested.

The Office Action, in paragraph 4, rejects claims 1-7, 10-12, 14 and 15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,415,554 to Papayoti. This rejection is respectfully traversed.

The Office Action, with reference to the figures of Papayoti alleges that this references teaches, or can reasonably be considered to have suggested, the subject matter of the pending claims. The analysis of the Office Action fails for at least the following reasons.

Papayoti teaches a structural assembly and connectors therefore comprising a first tubular element 10 having slots and a second tubular element 12. The second tubular element 12 is not a panel. A panel is a planar element, *i.e.*, an element having a first and a second dimension that are much longer than a third dimension. In Papayoti, any alleged tabs are disposed on the face designed to bear against the second tubular element 12. These tabs do not allow the fixing element to pivot between a first and a second position.

Additionally in Papayoti, the tabs do not have a bearing surface for bearing against any inside wall of the tubular element. In this regard, the inside wall of an aperture 16 cannot reasonably be considered to teach, or to have suggested, an inside wall of the tubular element. A bearing surface for bearing against an inside wall of the tubular element allows the fixing element to be locked against the tubular element in a transverse direction relative to the tubular element. The fixing element of Papayoti cannot be locked in the transverse direction if the bearing surfaces only bear against an inside surface of an aperture.

Independent claims 1 and 15 recite, among other features, each fixing tab being configured in such a manner that, when it is inserted in the corresponding slot of the tubular element, the fixing element comprising this tab can pivot relative to the tubular element,

between a first position, in which the fixing element is angularly spaced from the panel which is positioned against the other fixing element, and a second position, in which the fixing element bears against the panel, and each fixing tab having a bearing surface suitable for bearing against one inside wall of the tubular element, in such a manner that the fixing tab can engage in the slot only in the first position, and that the assembly is locked in the second position.

As such, with respect to at least independent claims 1 and 15, because Papayoti does not disclose fixing tabs and/or fixing elements being able to pivot relative to the tubular element, Papayoti cannot reasonably be considered to teach, or to have suggested, the subject matter recited in those claims. Further, because Papayoti does not disclose any stiffening rib, Papayoti cannot reasonably be considered to teach, or to have suggested the subject matter recited in claim 11. With respect to claim 12, Papayoti discloses a tubular element 12 having slots disposed on a single line. As such, these slots are not disposed in a checkerboard configuration as is positively recited in claim 12.

For at least the above reasons, Papayoti cannot reasonably be considered to teach, or to have suggested, the combinations of all of the features positively recited in at least claims 1, 11, 12 and 15. Further, claims 2, 4, 5, 7, 10 and 14 are also neither taught, nor would they have been suggested, by Papayoti for at least the respective dependence of these claims directly or indirectly in independent claim 1, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 2, 4, 5, 7, 10-12, 14 and 15 under 35 U.S.C. §102(b) as being anticipated by Papayoti are respectfully requested.

The Office Action, in paragraph 6, rejects claim 16 under 35 U.S.C. §103(a) as being unpatentable over Papayoti. This rejection is respectfully traversed.

Because claim 16 also recites the configuration of the fixing tabs as recited in claims 1 and 15 above, Papayoti cannot reasonably be considered to have suggested the combination of all of the features recited in independent claim 16 to at least the same extent that, and for the same reasons, that Papayoti cannot reasonably be considered to teach, or to have suggested, the combinations of all of the features recited in independent claims 1 and 15 as argued above.

Accordingly, reconsideration and withdrawal of the rejection of claim 16 under 35 U.S.C. §103(a) as being unpatentable over Papayoti are respectfully requested.

The Office Action, in paragraph 7, rejects claims 8, 9 and 13 under 35 U.S.C. §103(a) as being unpatentable over Papayoti in view of French Patent No. FR 2 712 043 to Ateliers Reunis Caddie (hereinafter "FR '043"). This rejection is respectfully traversed.

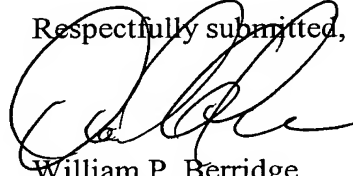
FR '043 is not applied in a manner which would overcome any shortfall in the application of Papayoti to the subject matter of independent claim 1. Because claims 8, 9 and 13 depend indirectly from claim 1, all of the combinations of features recited in claims 8, 9 and 13, incorporating the subject matter of claim 1, are neither taught, nor would they have been suggested, by Papayoti even in combination with FR '043. In other words, FR '043 does not overcome any shortfall in the application of Papayoti to the subject matter positively recited in independent claim 1 from which the enumerated claims depend.

Accordingly, reconsideration and withdrawal of the rejection of claims 8, 9 and 13 under 35 U.S.C. §103(a) as being unpatentable over the combination of the applied references are respectfully requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 4, 5 and 7-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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